<u>**REMARKS**</u>

This application has been carefully considered in connection with the Examiner's Office Action dated March 8, 2007. Reconsideration and allowance are respectfully requested in view of the following.

<u>**Summary of Rejections**</u>

Claims 1, 3-4, 6-14 and 16-20; 21-22, 24, 27-28 and 30-31 were rejected under 35 USC 102(b) and 35 U.S.C. 102(e).

Claims 25-26, 29, and 32-34; 2, 5, 15, and 35-38 were rejected under 35 USC 103(a).

The specification was objected.

<u>**Summary of Response**</u>

Claims 1, 12-14, 21, and 35 were amended.

Claims 2-11, 15-20, 22-34, and 36-38 remain as originally filed.

The specification has been amended.

<u>**Summary of Claims Pending:**</u>

Claims 1-38 are currently pending following this response.

<u>**Response to Specification Objections**</u>

The specification was objected to for informalities including typographical errors. Paragraphs 0045 and 0046 of the specification as well other paragraphs of the specification with typographical errors have been amended to correct the typographical errors. Applicant respectfully submits that no new matter has been introduced with these amendments.

<div align="center">19</div>

Applicant Initiated Interview

Applicant thanks Supervisory Examiner Tuan Dam and Examiner Ben Wang for their time and consideration of the proposed claim amendments in the telephone interview on May 30, 2007. SPE Tuan Dam suggested further clarifying the proposed claims to include limitations of "non-intrusively monitoring" similar to that presented in claim 21. SPE Tuan Dam and Examiner Ben Wang indicated that clarifying the claims as suggested would appear to overcome the applied art. Applicant recognizes that further consideration and or search may be required for the claims as amended herein. A detailed discussion of the differences between the applied art and the claims as amended herein follows.

Response to Rejections under 35 USC 102

The present disclosure is directed to non-intrusively monitoring an application during real-time operation of the application. As disclosed in paragraphs 0044-0050, an application writes values of variables of the application in a memory area during normal real-time operation. For example, as disclosed in paragraph 0048, when the application is executed it is loaded into computer system memory. A monitor module 18 may attach to the memory area used by the application so as to retrieve the values of variables used by the application. As disclosed in paragraph 0049, because the monitor module 18 attaches to the memory area of the application, "the applications 12, 22 do not need to be changed to enable the operation of the application monitor system 10." Further, attaching to the memory area used by the application during normal real-time operation enables the monitor module 18 to have access to all of the variables of the application. Therefore, the monitor module 18 may access even internal variable values that are not otherwise accessible without changing the application or encapsulating the application.

Both Zielinski and Bates disclose modifying an application in order to output information useful for monitoring the application. In particular, Zielinski discloses in Sec. 2, 2nd Para., Lines 9-13 that original application code is instrumented with notification functions. Therefore the application code is being modified to output events. Similarly, in column 3, lines 56-65, Bates discloses a debugger that modifies the application program to include breakpoints to stop the application such that the data in various addresses of memory can be examined. These differences are discussed with regard to the limitations of each of the independent claims as follows.

Claims 1 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Zielinski et al. (*A Tool for Monitoring Software-Heterogeneous Distributed Object Applications, 1995, IEEE*) (hereinafter "Zielinski").

Claim 1:

I.   Zielinski does not disclose non-intrusively monitoring an application.

As discussed above, Zielinski discloses that original application code is instrumented with notification functions. Therefore, the original application code has to be changed. Conversely, the present disclosure does not change the application, but rather attaches to a memory area used by the application.

II.   Zielinski does not disclose a module that attaches to a memory area that is used by an application during real-time operation.

Following the argument in section I, the way in which Zielinski obtains information about an application is to change the application code to include notification functions that output useful information. The claims as amended herein require that a module attach to a memory area used by an application during real-time operation. This enables the module to have access to all of the

21

variables of the application without impacting the operation of the application or changing the application.

Dependent claims 2-11 are similarly not disclosed by the Zielinski for at least the reasons detailed in sections I and II above.

Claim 12:

Claim 12 includes limitations similar to those discussed with regard to claim 1. As such, the arguments presented in sections I and II above are herein repeated for claim 12.

III.   Zielinski does not disclose that at least one of the application values is not output by the application.

As discussed above, Zielinski specifically discloses that the original application code is instrumented with notification functions. Therefore, the application code is changed to output desirable information. By attaching to a memory area used by the application during normal real-time operation, values of variables that are not output by the application are available to the monitor of the claims as disclosed in at least paragraphs 0005, 0017, and 0049.

Dependent claims 13-20 are similarly not disclosed by the Zielinski for at least the reasons detailed in sections I-III above.

Claim 21 was rejected under 35 U.S.C. § 102(e) as being anticipated by Bates et al. (U.S. Patent 7,086,033) (hereinafter "Bates").

Claim 21:

Claim 21 includes limitations similar to those discussed with regard to claim 1. As such, the arguments presented in sections I and II above are herein repeated for claim 21. In particular, because Bates also discloses to modify application code with debugger break points, Bates does

not disclose non-intrusive monitoring and obtaining a value for the variable during the real-time operation of the application.

Dependent claims 22-34 are similarly not disclosed by the Zielinski for at least the reasons detailed in sections I and II above.

Response to Rejections under 35 USC 103

Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zielinski in view of H. Kashima (*An Approach for constructing Web Enterprise Systems on Distributed Objects, Jan., 20000, IBM)* (hereinafter "Kashima").

Claim 35 includes limitation similar to those discussed with regard to claim 1. As such, the arguments presented in sections I and II above are herein repeated for claim 35.

Dependent claims 36-38 are similarly not disclosed by Zielinski for at least the reasons detailed in sections I and II above. Kashima does not cure the deficiencies of Zielinski.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

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24